

**BEFORE THE APPEALS BOARD
FOR THE
KANSAS DIVISION OF WORKERS COMPENSATION**

MIKE M. HALASA)	
Claimant)	
VS.)	
)	Docket No. 262,558
MEL HAMILTON FORD, INC.,)	
Respondent)	
AND)	
)	
HARTFORD ACCIDENT & INDEMNITY)	
Insurance Carrier)	

ORDER

Claimant appeals from an Award entered by Administrative Law Judge Jon L. Frobish on December 17, 2001. Oral arguments were presented to the Appeals Board on June 14, 2002.

Appearances

Randy S. Stalcup of Wichita, Kansas, appeared for the claimant. Richard J. Liby of Wichita, Kansas, appeared for the respondent and its insurance carrier.

Record and Stipulations

The Appeals Board (Board) considered the record and adopts the stipulations that are listed in the Award.

Issues

The Administrative Law Judge (ALJ) found that claimant suffered a compensable scheduled injury to his right knee on September 23, 2000. Claimant was awarded permanent partial disability compensation for a 7.5 percent loss of use of the leg, based upon the five percent functional impairment rating given by the treating physician, board certified orthopedic surgeon Robert Eyster, M.D., and the ten percent rating given by the

court ordered independent medical examiner, Philip R. Mills, M.D., who is board certified in physical medicine and rehabilitation, electrodiagnostic medicine, electroneurodiagnostic medicine and pain management as well as by the American Board of Independent Medical Examiners.

Claimant contends his disability was more accurately rated by his medical expert, board certified physiatrist Pedro A. Murati, M.D., who is also a board certified independent medical examiner. Dr. Murati rated claimant's functional impairment as 18 percent to the right lower extremity.

Conversely, respondent contends that the ALJ's Award should be affirmed in all respects.

The nature and extent of claimant's disability, specifically the percentage of impairment for this scheduled injury to the leg is the only issue for Board review.

Findings of Fact and Conclusions of Law

The ALJ found claimant was entitled to a 7.5 percent permanent partial disability award for the scheduled injury to his leg. The Board finds that the greater weight of the credible medical evidence supports the ALJ's award and it should be affirmed. The Board further agrees with the analysis of the evidence and law as set forth in the Award and adopts the ALJ's findings, conclusions and orders as its own.

Award

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Award entered by Administrative Law Judge Jon L. Frobish dated December 17, 2001, should be, and is hereby affirmed.

IT IS SO ORDERED.

Dated this _____ day of June 2002.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: Randy S. Stalcup, Attorney for Claimant
 Richard J. Liby, Attorney for Respondent
 Jon L. Frobish, Administrative Law Judge
 Philip S. Harness, Workers Compensation Director